

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 1:10-cr-104

v.

HON. JANET T. NEFF

LUIS MANUEL CARMONA,

Defendant.

MEMORANDUM OPINION AND ORDER

Defendant Luis Manuel Carmona has filed a motion for modification or reduction of sentence (Dkt 216) pursuant to 18 U.S.C. §3582(c)(2) on the basis of Amendment 782 of the United States Sentencing Guidelines, made retroactive by the Sentencing Commission. The U.S. Probation Department has filed a Sentence Modification Report (Dkt 229) finding defendant eligible for the reduction. The parties stipulated (Dkt 230) to the retroactive application of the sentencing amendment and requests the Court to amend the sentence..

Section 3582(c)(2) permits a court to reduce the term of imprisonment of a defendant who has been sentenced based on a sentencing range that has subsequently been lowered by the Sentencing Commission. 18 U.S.C. § 3582(c)(2). Amendment 782 of the United States Sentencing Guidelines reduced by two levels the offense levels assigned to the quantities that trigger the statutory mandatory minimum penalties in U.S.S.G. §§ 2D1.1 and 2D1.11. These modifications were made retroactive effective November 1, 2014. U.S.S.G. § 1B1.10.

Having fully considered the Sentence Modification Report (Dkt 229) and the stipulation of the parties (Dkt 230), the Court has determined that the defendant is eligible for a reduction of sentence according to the policy statements of the U.S. Sentencing Commission.

Therefore, IT IS HEREBY ORDERED that Defendant's motion for modification of sentence (Dkt 216) pursuant to 18 U.S.C. § 3582(c)(2) is GRANTED. Defendant's sentence is reduced to no less than 144 months total in prison, consisting of not less than 84 months in prison on Counts 1 and 4 to run concurrently; and 60 months in prison on Count 5 to run consecutively to the sentences on Counts 1 and 4.

DATED: December 16, 2015

/s/ Janet T. Neff
JANET T. NEFF
United States District Judge